

MINUTES

RANDOLPH COUNTY PLANNING BOARD

July 8, 2008

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, July 8, 2008, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Jim Rains** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Jim Rains**, Chairman, present; **Lynden Craven**, Vice Chairman, present; **Larry Brown**, present; **Phil Ridge**, present; **Chris McLeod**, present; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present.
3. **Pell** made the motion, seconded by **Brown**, to approve the Minutes of the June 3, 2008 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**
 - A. **KENYON DAVIDSON**, Asheboro, North Carolina, is requesting that 18.90 acres located on Fairview Farm Road, Grant Township, be rezoned from E-1 to CVOE-CD. Tax ID# 7689030320. Zoo Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 9-lot site-built residential subdivision with a minimum house size of 1,400 sq. ft. (Property Owner - Roy Garner, Jr. & Others.
 - **Neighborhood Information Meeting Summary**

Nine (9) citizens were present for the Neighborhood Information Meeting held June 5, 2008, including the developer and property owners. Concerns expressed by the adjoining property owners were:
 - **number of driveway connections to existing state road*
 - **lot width should be increased to reduce clustering of housing on the existing road*
 - **would like to see existing trees fronting on state road remain.*
 - **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved as consistent with the Growth Management Plan.

The Technical Review Committee found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long term quality of life in Randolph County.

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Ken Davidson was present for this meeting and explained his intentions to develop a 9-lot site-built residential subdivision. **Johnson** said that one issue that was expressed by a concerned neighbor was the number of new driveways being proposed. Johnson said NCDOT informed the planning staff that the traffic count was low on this road and no turn lanes would be required for the development. Johnson said that NCDOT normally allowed one driveway connection per 150 ft. of frontage. Johnson said this parcel has approximately 1600 ft. of road frontage and only 9 driveway connections are being proposed. Johnson said that this is a couple of drives fewer than what would be permitted by DOT. **Davidson** said that his proposed house size would be 1400 sq. ft. Davidson also said that all the soils are suitable for septic systems in front of the creek. **Pell** questioned the proposed restrictions specifically the restriction that would allow the developer to lower the minimum house size by 200 sq. ft. **Davidson** said that these restrictions are preliminary and could be changed. **Johnson** said that the Conditional Zoning would preclude any private restrictions placed on the development by the developer.

Roger Pritchard, Fairview Farm Road, said that he has owned property on this road for more than 50 years. Pritchard said that Fairview Farm Road is made up of family-owned land. Pritchard said that in the early 50's this area was a large farm that was divided up into generally 18 acre tracts. Pritchard said that he appreciated the Garner Family's desire to sale the land and Davidson's desire to develop the property. Pritchard said that the question before the Board is if this request is compatible to the area. Pritchard said that this is pastured farm land.

Pritchard said the area directly impacted is made up of parcels with an average tract size of 15+ acres with road frontages of 500+ feet. Pritchard said this request is for 9 lots under 1 acre in size with barely 100 ft. of road frontage and a minimum house size of 1400 sq. ft. Pritchard said the proposed restrictions also give the developer an option to reduce the minimum house size by 200 ft. Pritchard said that the average house size within the effected area is 1900+ ft. Pritchard said that if this request is approved Davidson could possibly build homes at least 700 sq. ft. smaller than the average home in the area. Pritchard said that he has copies of all the County's GIS information for the effected area. Pritchard said based on this information the minimum house size should be at least 1600 to 1800 sq. ft. Pritchard said further review of the restrictive covenants allows the developer to move an existing home onto these lots. Pritchard said that it does not appear that the homeowners in this area would have any recourse if he does move homes on the lots. Pritchard said that the proposed driveway connections are on average 112 ft. apart. Pritchard said that he understood Johnson said he could meet the 150 ft. distance between driveways, but he didn't see how this would be possible. Pritchard said that the Growth Management Plan expresses the need to redirect new growth into growth centers that will be more accessible to public infrastructure. Pritchard continues to quote the Plan that says farm areas need to be protected. Pritchard said that the truth is that this entire area is a Rural Growth Area and the only reason this area is not designated this way is because the Zoo Authority wanted a higher level of control over the growth in this area. Pritchard quoted parts of the Resolution of the Growth Management Plan:

- 2) Discourage high density development in areas where significant urban infrastructure are not anticipated.
- 3) Encourage rural lot designs in those areas where urban infrastructure is not anticipated that will enhance groundwater recharge ability while preserving open space.

Pritchard said that these resolutions show there is a need for large lots in Randolph County.

- 8) Minimize the effects of large developments in rural areas on the visual landscape and protect farmers from residential neighbors who may not fully understand the nature of farming.

Pritchard added chicken litter smells and cows do get out.

Pritchard said Policy 6.22 *New driveway connections should be designed in a way to minimize new locations on existing public roads* shows this request

is not compatibility in this proposal. Pritchard said that the proposed subdivision does not appear to meet the spirit or the intent of the Growth Management Plan. Pritchard said by denying this request this Board can do something good for the County and for this neighborhood. Pritchard said that every time we approve this type of development we set a precedence. **McLeod** asked Pritchard if his property adjoins this request and **Pritchard** answered no. **Brown** asked what the square footage of Hayfield Acres and **Pritchard** did not know. **Brown** advised Pritchard that the average house size within 1 mile of this parcel is approximately 1600 sq. ft.

Baxter Oliver, 312 Luck Road, said he owns the property across the road from this site. Oliver said that he has a barn he has remodeled and he has significantly improved this property. Oliver said he invested a significant amount of money here. Oliver said that he hears Hayfield Acres mentioned but Hayfield Acres seems like another world from this area. Oliver said that he realizes that “as the crow flies” it may be close but it is very different from this area. Oliver said that the house across the road from this site is over 3100 sq. ft. on 18 acres. Oliver said that his tract is 15+ acres. Oliver said that there is a blind curve here and 8 new driveways could cause traffic hazards. Oliver said that this proposal does not seem consistent with this area.

11 citizens were present in opposition to this request.

Roy Everette Garner Jr, property owner, said that everyone is talking about the big homes on this road but no one has mentioned the 7 mobile homes located on this road near this site. Garner said there are several more mobile homes beyond the bridge on the road.

Chairman Rains advised the audience that the Board is provided with a Development Impact Analysis by the County Planning Staff that provides detailed information of the area.

Davidson said he realized that everyone has concerns here about the lot sizes, but 50 years ago 15 acre tracts were very small. Davidson said now the County has guidelines and his development meets these requirements. Davidson said that it would be nice to place a new road but with the layout and topography of the property it does not lend itself for a new road. Davidson said that there is a mix of housing in this area. Davidson said this is a beautiful area and he feels this development will have a minimal but positive effect to the area. Davidson said that we are in an economic slump right now and the most desired home is what is being proposed. Davidson said that this is a gamble now but he feels this will be a nice development. **Johnson** asked Davidson if the proposed deed restrictions would allow existing houses to be moved to the lots. **Davidson** said yes and he

has moved many houses but they are reconditioned. Davidson said that he realized this was a concern of the Board and he would restrict the development to homes built on-site only.

Davidson said that he plans to retain some of the trees on the property that are salvageable, but some of the trees will need to be cleaned off.

Davidson agreed to restrict the development to 1400 sq. ft. site built homes only and not to allow houses to be moved in from other locations.

Gail Hammer, Fairview Farm Road, said that she lives in the blind curve and there are three school buses that comes through here everyday. Hammer said that one bus is for disabled children, one is an elementary school bus, and the other is a high school bus. Hammer said that the traffic races on this road and there have been 4 cars run off the road in the 38 years she has lived here. Hammer said the thing that bothers her the most is the problems with the drought and the what more wells will do to the groundwater supply. Hammer said that she can't see three driveways being added between her property and the Garner house. Hammer said that this will be a danger for the children that live here and the children that might live here. Hammer said that this many more people moving in will over crowd the road. Hammer said that the road is used as a cut through. Hammer said she has grandchildren who live here and she wants them to be safe. Hammer said the bus has to go down to the bridge to turn around because the road is not safe for the bus to back out into. Hammer said that these homes will be sitting on top of each other.

Wayne Andrews said his parents own land on Fairview Farm Road and asked if this would restrict their property. Andrews expressed concern for the farms that are already here. Andrews said he would be concerned that people could stop him from using his property as a farm. **Johnson** said that County Zoning in North Carolina does not regulate farming. Johnson said Zoning has no impact on farming. Johnson said that doesn't mean that if a home is built and then someone places a chicken house right next to the new home that someone could not file a nuisance suit. **Andrews** said that he just wanted to know if this would effect his property.

Chairman Rains asked Johnson if the 35' line shown on the site plan along Fairview Farm Road was a setback or a no cut buffer. **Johnson** answered that it is just a setback.

Craven said when Hayfield Acres was built there was a lot of controversy at that time because it was the first big subdivision on Hwy 42. Craven said that it is a nice subdivision, but this is not Hwy 42. Craven said that Fairview Farm Road is

very rural and if this is approved it might set a precedence for this area. Craven said there have been other developments turned down near Panther Creek Road because it is a very rural area. Craven said that he believed this area should remain rural. Craven said that he felt 9 lots was too dense. **Craven** made the motion to recommend that the request be denied. The motion died for a lack of a second.

Chairman Rains called for another motion.

McLeod said that he didn't feel a 9-lot subdivision for 1400 sq. ft. site built homes would be a problem.

Pell said that Davidson said that he was not going to be responsible for a buffer. **Johnson** advised the Board that they could make this a part of his Conditional Zoning.

McLeod made the motion to recommend to the Board of Commissioners that this request be approved with the condition to require a minimum house size of 1400 sq. ft. and only site-built homes, no moved-in homes. **Joyce** seconded the motion. The motion passed by a vote of 5 to 1. Craven voted against the motion.

- B. **GREGORY FREELAND**, Asheboro, North Carolina, is requesting that 2.90 acres (out of 5.59 acres) located at 3592 U.S. Hwy 64 West (just past Back Creek Road), Back Creek Township, be rezoned from RA to HC-CD. Primary Growth Area. Tax ID# 7731542600. The proposed Conditional Zoning District would specifically allow the operation of a car sales lot and automotive repair business at his residence as per site plan.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommends to the County Planning Board that this request be approved.

The Technical Review Committee found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #4. Recognize that growth management policies should afford flexibility to County boards and agencies that

will enable them to adapt to the practical requirements often necessary for rural development.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #7. Ensure the opportunity for landowners to achieve the highest and best uses of their land that are consistent with growth management policies in order to protect the economic viability of the County's citizens and tax base.

Rose Freeland said they would need to turn the proposed building addition to meet the required setbacks. Freeland said that they want their dealer's license and her son wants to operate the garage. Freeland said that her son went to Randolph Community College to study automotive mechanics. Freeland said that originally this will be a family business, but they hope it will grow into a larger business. Freeland said they may only have as few as 25 cars, but they would like to have the permit allow for as many as 100 cars. Freeland said her son will do some repair work to the cars to be sold. Freeland said that no junk vehicles will remain on the property. Freeland said that once all usable parts are removed from a junk vehicle, they would remove the car. Freeland said that her husband was an electrician but is now disabled and can no longer do electrical work. Freeland said that she has a real estate license, she works as a nurse, and she is also an accountant. **Ridge** asked how many cars would she on display at the highway. **Freeland** said that most of the cars will be at the highway in the front yard or on the left hand side of the drive.

Johnson said that one of the concerns when permitting an unlimited number of cars is that car lots have the potential of becoming a junkyard. Johnson said that by no ill intentions of the property owner, parts are taken off of cars brought in and then the cars remain on the property. **Freeland** said that she would still live on the property and if a car was brought in and the motor removed, then the car would be taken to crush. **Johnson** said that usually this type of request is for 10-15 cars, but 100 cars would be a major request. **Freeland** said that she didn't wanted to have to worry about possibly running over a limited number. Freeland said she didn't want to be restricted to 10 cars. **Johnson** asked Freeland if she would be selling parts off the cars and **Freeland** said she would not. **Ridge** asked Freeland if she would be willing to limit the number of cars displayed at the road with the remaining cars stored at the rear of the property. **Freeland** said that she would like to display most of the cars along Hwy 64. **Ridge** said he felt the number of cars displayed should be limited and there should be no junk vehicles allowed.

John Reece, Pastor of Back Creek Friends Meeting, said that he is speaking on behalf of their 115 members. Reece said that the Church owns property on all

four corners of this intersection. Reece said they are opposed to this request. Reece said that since the Freeland's have obtained the property there has been a decline in its appearance. Reece said that they are concerned with what will become of the property. Reece said that there is some concern for the traffic along this stretch of highway. Reece said there are many that have been killed in this intersection. Reece said that the speed limit is 55 but the traffic is faster. Reece said that danger could be added with people looking at the cars on display instead of the traffic. Reece described a horrible accident that occurred in this intersection. Reece said that there was concern for water run-off and possible pollution of the ground water. Reece asked if the business would be open during church hours. Reece said that the Church is not opposed to free enterprise but they would like the Board to consider their concerns when make their decision.

Jean Hamilton, 255 Back Creek Road, said that she adjoins this property to the rear. Hamilton told the Board that the back of her property is fenced and she has dog lots at the rear of her property. Hamilton said that the community has been bombarded by gun shots since the Freeland's purchased the property. Hamilton said she knows that the shots came from a high powered shot gun from the direction of their home. Hamilton said there are 2 young boys that have crossed their property with high powered shot guns. Hamilton said that she is a widow and this frightens her dearly. Hamilton said that if the Freelands are going to live in this community they need to have consideration for their neighbors. Hamilton said that this garage business may subject them to a lot of noise. Hamilton also spoke of concern for the ground water for this type of business.

Mrs. Sam Lowe, Jr., 2858 Lowe Country Road, expressed concern for the junk that could accumulate. Lowe said that they are concerned about the boys that are shooting in the area. Lowe said that they can hear the shots plan and are concerned about them being on posted land. Lowe expressed concern for junk cars and other junk thrown down in the woods.

There were 8 citizens present in opposition to this request.

Freeland said that they don't plan on having any junk cars and all the oil and fluids will be disposed of properly. Freeland said that she doesn't have small boys and doesn't know what they are speaking about.

Ridge said his concern is that he feels there should be a better site plan of the display area and the proposed buildings. Ridge said he didn't feel the site plan is adequate enough to make a decision. **Brown** said he didn't feel the plan was specific enough. **Joyce** said he felt the Freeland's were vague about the number of cars they plan to have on the property. **Ridge** said he felt the display area should be more specifically laid out.

McLeod made the motion, second by **Joyce**, to recommend to the Commissioners that this request be **denied**. The motion passed unanimously.

The Planning Board found the following Policies within the Growth Management Plan that support determination of consistency with the adopted plan with this recommendation are:

Policy 1.2 The benefits of economic development should be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Board of Commissioner Resolution Adopting the Growth Management Plan, Policy #1. Recognize that all individual growth management decisions are part of a larger interconnecting framework of building sustainable and quality growth within Randolph County.

5. The meeting adjourned at 7:59 p.m. There were 34 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary